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REMARKS

Claims **54-69** are the claims of record in this instant application; Claims **54-69** have been amended herein. Claims **54** and **62** are the only independent claims, which have been amended for the informalities objected to by the Examiner. Claims **55-61** and **63-69** are dependant claims, which have been amended primarily to more clearly and distinctly point out the claimed subject matter taught in the specification and drawings.

Claim Rejections 35 USC § 112, First Paragraph

As to Claims **54-69**, Examiner states they contain subject matter not described in the specification in a way as to reasonably convey to one skilled in the art that the inventor had possession the of the claimed invention. However, below Applicant provides specific cites where the specification and drawings convey the specific claim language, for each of Examiner's rejections.

As to Claims **54** and **62**, Examiner states disclosure fails "adapting to" or "configuring to" concerning the *relay function*, or how performed or why such operation would be necessary. However, the MPEP 2173.05(g) states: "There is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper. *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971)." The 2173.05(g) also indicates that "adapting to" is acceptable claim language and as sanctioned by *in re Venezia*, 530 F.2d 956, 189 USPQ. (BNA) 149 (C.C.P.A. 1976. Applicant has set forth actions or results in the claims that necessarily follow the teaching of the specification and drawings. Specific claim language is proper because the specification teaches that the applicant had in possession the claimed invention. As evidence of this, the specification states:

"The unit or system would act as a computing platform and base communications **relay** station. The system or unit may then relay voice and data to/from a handset unit or earset unit, where the base unit relays the this voice and data information to/from a wide area communication network."
[Page 4, lines 11-14] [Emphasis added]

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"The earset 34 or handset 14 can be designed for a much lower RF transmit and receiver electrical power levels, because the base computer unit 100 can be placed a relatively short distance away (typically from a few feet to about fifty feet). Thus, the base unit 100 may relay RF communications between the handset or earset and an external wide area communications network. The base unit could safely embody a more powerful RF transmitter resulting in a larger signal to noise ratio. This will result in improved wireless communication to and from wide area networks that may have antennas several miles away." [Page 12, line 8-15] [Emphasis added]
Also, as evidence are teachings shown in Figs. 3 and 7 and other figures.

As to Claim 56, there is teaching for a handset unit that performs steps to also be a PDA. As evidence in:

"PDAs are small handheld units with a small LCD display, small key pad and touch pen. PDAs are designed to be placed in one's pocket or purse for maximum portability." [Page 1, line 34 to Page 2, line 2]; and

"Control code 81 may control the bi-directional handset or earset to base unit communications operations. These operations may execute roughly simultaneously or on a time shared bases, as indicated by connection 83. Under program control, either the wireless handset or the earset may communicate data first between the base unit, then the base unit may relay the data to/from the external communications network. The above communications may involve two way or bi-directional communications, including many types of data (including text, voice, graphics, video and/or images)." [Page 18, line 19-26] As shown for example in Figs. 3 and 7.

Both citations are evidence of PDA computer functions in addition to communication functions in the specification as filed.

As to Claim 58, the specification provides for a handset unit adapted to communication among multiple handset units or earset units. As evidence of this, the specification states:

"... it may work with other optional attachments, such as a wireless cellular-like handset 14 or earset 34. The handset 14 may operate roughly equivalent to conventional cellular telephone handsets with a built in power source, providing voice and/or data communications to wide area communications networks." [Page 11, line 27-29], Figs. 3 and 7; And
"The unit may be capable of wire or wireless communications, linking it to multiple handsets and earsets." [Page 14, lines 5-6]; including Figs. 3 and 7.

As to Claim 61, the specification teaches a handset unit adapted to hands free speakerphone-like operation. As evidence of this, the specification states:

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"The wireless earset unit may be used for hands free applications. The user may then walk around while communicating with the handset or earset. If one is using the earset he/she may also use a pen input means 7 or keyboard 16 while in audio communications. For semi-private voice communications, some users may prefer using the handset 14, with hand set speaker 14A, handset key pad 14B and handset microphone pickup 14C." [Page 11, lines 32-35 to Page 12, lines 1-2]; and for example Figs. 3 and 7.

As to claim 64, the specification provides for a handset unit that includes data configured to networking functions with one or more handset units. As evidence the specification states:

" . . . to provide for bi-directional communication of voice, audio, text, graphics, image and/or video data to wide area communications networks where one or more users may communicate with other users with appropriate apparatus. The communication may realtime or store forward type communications." [Page 4, lines 4-7; and Figs. 3 and 7].

As to claim 65, the specification provides for a handset unit to configure data for relaying the to internet. As evidence to this, the specification states:

" . . . is to provide for full Internet access on a wireless mobile platform, where the user can access the world wide web and execute most of the available Internet browser functions and plug-ins." [Page 4, line 29-31; and Figs 3, 7 and 8]

As to claim 66, the specification provides for a handset unit that is adapted to an earset unit. As evidence to this, the specification states:

"Although the base unit 100 can be a self-contained unit, it may work with other optional attachments, such as a wireless cellular-like handset 14 or earset 34. The handset 14 may operate roughly equivalent to conventional cellular telephone handsets with a built in power source, providing voice and/or data communications to wide area communications networks. The earset 34 has a small low power RF transceiver, audio microphone, audio speaker and small battery source, which is capable of fitting into the user's ear." [Page 11, lines 26-30]

"The earset 34 or handset 14 can be designed for a much lower RF transmit and receiver electrical power levels, because the base computer unit 100 can be place a relatively short distance away (typically from a few feet to about fifty feet). Thus, the base unit 100 may relay RF communications between the handset or earset and an external wide area communications network." [Page 12, lines 8-12; and Fig. 3 and 7]

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As to Claim 68, the specification provides for a handset unit that is adapted to send and receive e-mail. As evidence to this, the specification states:

“Many types of computer application programs may be executed by the computer system. For example, one or more telephony programs 84, office/personal productivity programs 86, *electronic mail* or voice mail 88, and Internet/Web browsing programs 90 may be used. Other PDA, PC or workstation programs may also be executed. One or more programs (algorithms or routines) 96 may be used to control this multiple program or system modes; this may include program coordination, scheduling and execution. Programs to control the mobile communications relay functions 98 may be embodied.” [Emphasis added]

The specification teaches that handset units may communicate computer data to and from a base station that may relay such data to a wide area communication network for such functions as e-mail and the Internet. The above cite is direct evidence of a handset unit being adapted to send and receive e-mail.

Even if some claim language is not specifically mentioned in the specification, they may be still proper, because the MPEP 2173.05(e) states:

“The mere fact that a term or phrase used in the claim has no antecedent basis in the specification disclosure does not mean, necessarily, that the term or phrase is indefinite. There is no requirement that the words in the claim must match those used in the specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision.”

Also, MPEP 2181 (A) states:

“under 35 U.S.C. 112, first paragraph, as not being supported by an enabling disclosure because the person skilled in the art would not know how to make and use the invention without a description of elements to perform the function. The description of an apparatus with block diagrams describing the function, but not the structure, of the apparatus is not fatal under the enablement requirement of 35 U.S.C. 112, first paragraph, as long as the structure is conventional and can be determined without an undue amount of experimentation. *In re Ghiron*, 442 F.2d 985, 991, 169 USPQ 723, 727 (CCPA 1971);”

Rejection Under 35 U.S. C. 112
Second paragraph

As to Claim 55, the claim has been amended to convey positioning, metes and bound of the RF communication method in a more definite manner. Dependent Claims 55—61 and 63-69 have

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been amended to make clearer which elements of their parent claim is being referred to. As to Claim 61, not all handsets have speaker phone functions. For instance, a handset may have a microphone but it must place near the users mouth as convention telephone handset. Claim 61 further limits its parent claim to include such speakerphone-like functions where the handset may be set down on a table some distance away, and the user can speak hands free like conventional speaker phone. Claim 54 –69 have been amended to more particularly point out and to bring to like the inventions described in the specification and drawings. In particular amendments will make more clear the step or steps in the parent claim, which it being further limited. In addition MPEP § 2181.

“What is conventional or well known to one of ordinary skill in the art need not be disclosed in detail. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d at 1384, 231 USPQ at 94. If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. See, e.g., *Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972) (stating “the description need not be in *ipsis verbis* [i.e., “in the same words”] to be sufficient”).”

Claim Objections

Claims 54 and 62 have been amended to correct the informalities noted by Examiner and to more distinctly claim the invention. As to Claim 54, Applicant has added an “and” between steps c) and d).

**Claims Rejected Under 35 USC 102(b)
Anticipated by Graham et al (5,351,270)**

Examiner rejected Claims 54-69 under 35 USC 102(b) Anticipated by Graham et al (5,351,270). However, in order for anticipation, all elements and limitations must be taught, and they must work the same way for the same purpose. As to Claim 54, Graham does not disclose, anticipate nor teach toward Applicant’s claim language: “formatting said data for computer data for bi-directional communication” [claim 54, element (d)]. Graham teaches only voice communication, for connection to “local public telephone system”, which is not the same as Applicant’s “external wide area network” [element (c)], which is for both computer

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data and voice data. Also, Graham does not disclose, anticipate nor teach Applicant's claim language of "a portable local communication base unit a relatively short distance away" [Claim 54, elements (a) and (b)]. Graham et al only teach a "mobile unit (10)" in an automobile [Col. 2, line 10]. Graham's mobile unit is not the same as Applicant's portable communications base, and is not used for the same purpose.

As to Claim 62, Graham fails to teach Applicant's claim language: "wireless data networking with a portable base unit" [Claim 62, element (a) and (b)]. Graham does not anticipate nor teach toward data networking. As evidence of this, Graham does not anticipate a computer anywhere in his communication system. As to Claim 55-61 and 63-69, they are all dependant claims from Claims 54 and 62, respectively, thus they have all the limitations of their parent claim plus additional limitations. For all the above reasons, Claims 54-69 appear allowable under the meaning of 35 USC 102(b), hence applicant respectfully requests they be placed into allowance.

Claims 54-69 Rejected Under 35 USC § 102(b)
Anticipated by Gattey et al (5,553,312)

As to Claim 54, Gattey does not disclose, teach nor anticipated all of Applicant's claim language, for example they do not teach: "relay the data to and from an external wide area network" [Claim 54, element (c), second line]. Gattey merely teaches a "central station (14), which they state can be fixed location [Col. 4, line 8], which they state may include a workstation [Col 5, line 65]. Nowhere in Gattey's reference do they disclose, anticipate, nor teach a handset capable of communicating with "an external wide area network", such as the Internet or any other type of network. Gattey's central station is not the same as an external wide are network. All limitations must be taught or anticipated by a reference before 35 USC § 102(b) can be applied.

As to Claim 62, Gattey does not disclose, anticipate, or teach toward Applicant's claim language:

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"adapting the handset unit to a bi-directional wireless communication function for wireless data networking with a portable base unit" [Claim 62, element (a)].

Gathey does not teach any type of data networking, and none of his example applications contain data networking functions. Plus, Gathey's "microcomputer or state machine logic" (230 and 256) elements are not capable of data networking functions. In addition, Gathey does not teach Applicant's claim language of:

"configuring said data for the intended purpose of having the portable base unit relay information to and from an external wide area network." [Claim 62, element (d)]

As to Claims ~~55-61~~ and ~~63-69~~ they are all dependant claims from non-anticipated independent Claims 54 and 62, respectively, thus they have the limitations of their parent claims. In addition the claim comprise of additional non-obvious claim limitations, which my include uses and applications, which are patentable under the meaning of 35 U.S.C Sections §101, §102, and §103. Therefore, Applicant respectfully asks that Claims ~~54-69~~ be placed into allowance.

Conclusions

Claims ~~54 - 69~~ appear to be patentable under the meaning of 35 U.S.C. § 112 first and second paragraphs, §102(b), and §103(b). **No new matter has been added.** All claim amendments were not made due to any patentability reasons, but instead were made to remove confusion, claim more particularly, and to bring to life the meaning of the specification and drawings. Claim amendments do not narrow the scope of the claims. Applicant most respectfully requests Claims ~~54 - 69~~ be placed into allowance.

Sincerely,



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